

**Hawaii Department of Agriculture - Pesticides Branch
1st Quarter Report; EPA Region 9
Oct- December 2015**

ADMINISTRATIVE:

Attended Out of State Travel by Staff:

- September 28 – Oct 2, 2015; ALSTAR Training/Meeting and NPIRS Conference, Las Vegas NV. Attended by Christina Zimmerman and Ralden Chang.
- PREP class training in San Diego, CA. WPS information provided. Attended by Ann Kam.

PROGRAM HIGHLIGHTS:

Personnel:

Three (3) new inspector positions were granted by the Legislature during the 2014 session and the processing to hire is ongoing. These positions will be on Kauai, Oahu, and Hawaii Island.

- 89 day hire (utilizing a vacant Oahu Education slot) Gwen Geronimo started on 12/27/15. Assisting in Case Prep, providing clerical support to log in closed cases without violations into data base, then working on closed cases with violations into data base. Also re- inputting those case files that were lost when our server crashed back in 2009 -2010.
- Pursuing 89 day hire for Big Island enforcement position. (Cal Westergard). Temporarily will use a vacant Oahu enforcement position. We have received approval to fill the Big Island Hilo position, but it has a pseudo position number and our personnel dept. has to create a permanent position no. before we can fill that position. May take several months to do.
- Have asked State Department of Human Resources & Development (DHRD) for a 2nd list of candidates for EHS position for Oahu Enforcement. The 1st list of 3 applications were contacted, two declined to be interviewed and one did not return a phone call.
- No DHRD list generated for the Kauai enforcement position.

Town Hall Meetings:

2 of 4 town hall meetings were held at the request of Sen. Gil Riviere who represents the North Shore/ Windward District. The Senator asked that HDOA Pesticides staff and Dept. of Health staff answer questions from the audience on pesticide concerns and cesspool and storm water runoff. There was a large crowd at the Waialua Elementary School with concerns of pesticides misuse in the community as well as health related concerns pertaining to stream water quality.

Oct 1st - Hauula Elem

Nov 10th - Waialua Elem. 2x

Pesticides Semi-Annual Training

Pesticides Branch and Pacific Island staff held its semi-annual training during November 16th – 19th. Medical monitoring and Ag Use and WPS Tier I inspections were conducted in the field with enforcement attendees. Power point presentations were provided from staff on Managed Pollinator Protection Plan, School IPM, new LC/MS equipment installation, Datahouse's progress with new software, and WPS update.

Katie Swift shared information on Programmatic EIS for Rodent and Mongoose Control and Peter Oshiro (DOH) talked about Raw Ag Commodity (RAC) sampling protocols. Mary Grisier from EPA Region 9

provided updates, reviewed select case jackets and held discussions with key department staff. Scott McWhorter shared enforcement priorities from Region 9 and also went in the field to conduct a PEI with Kauai inspector Ann Kam. Pacific Islanders also shared highlights on happenings in their territories.

Consulting Services.

Ongoing meetings continue between Datahouse Consulting, Inc., EHS' Christina Zimmerman and Steve Russo. Testing of the new IPIS database system utilizing enforcement inspection forms has begun as well as testing forms concerning education/certification. Staff will provide feedback to Datahouse on ease of filling in forms or areas of concern.

Kauai Joint Fact Finding Task Force (JFFTF)

The Kauai JFFTF was commissioned by the County of Kauai and partially funded by the Hawaii Dept. of Agriculture to gather and sort information and facts regarding pesticide use and its impacts. Request for information on program data has been ongoing during this period and towards November and December the task for was beginning to complete and write up their findings. While a release date of their findings was planned for January 2016 it has been delayed to March 2016 due to a re-review of information concerning the section on health issues.

Evaluation of Kauai Good Neighbor Program

The voluntary posting of RUP pesticide use by biotech companies and a coffee company was initiated in December 2014 with posting of information on HDOA website to begin in January 2015. The program is to be evaluated after one years' time. Matt Strassberg (Environmental Mediation Center) and Kem Schmidt have completed their work and provided the HDOA Board Chair with a preliminary report.

Development of Managed Pollinator Protection Plan (MP3)

While survey questions were prepared, there was no further action during this period due to constraints on staff time. The State Apiarist (Danielle Downey) who was involved in the Plan also resigned from the program. An assessment via Monkey Survey will be conducted next quarter with identified stakeholders. Results will help formulate Hawaii's MP3 plan.

Meetings with CTAHR to provide comment on Certified Applicator Program

A number of meetings were held with staff (Charlie Nagamine and Dr. Barry Brennan) from the CTAHR, one of who provides training for individuals interested in taking the certification examination. Hawaii's comments will be submitted to EPA concerning EPA proposed changes to the certification requirements for Private and Commercial applicators.

Meeting on Glyphosate.

Due to concerns from the general public, some discussions were held with State Highways and Harbors and Hawaii County officials on the use of glyphosate on highways and roadways.

Registration/Licensing:

Licensing:

A total of 2,377 licenses were processed for this quarter (Sept – Dec 2015), with fees collected totaling \$783,750. There were 139 new product licenses processed. License renewals were 2238; 2175 for general use and 63 for restricted use.

Special Local Need registrations:

None issued this quarter. 25 SLNs are active this quarter.

SLN HI-100004 will expire on 10/26/2015 and is currently in the process of being renewed. First internal review and peer review has been completed.

Emergency Exemption:

None issued or active this quarter

State Experimental Use Permits:

Three issued this quarter, and 1 is pending issuance.

Groundwater Reviews/New Actives status:

Bicyclopyrone – From previous quarter. Pending full groundwater data package from Syngenta. May have to go through full groundwater review.

Flutriafol – From previous quarter. Waiting for data from registrant.

Oxalic acid dehydrate – From previous quarter. Waiting for data from registrant.

N, N'-Methylenebis (5-methyloxazolidin) – from 2nd quarter of 2015. Recently received data from basic registrant. Pending preliminary review.

Isofetamid – New active. Recently received data from basis registrant. Pending preliminary review.

Endangered Species Review Requests (Section 7):

None requested.

Informal inquiries to FWS re: SLN HI-100004 for use of Sluggo in conservation areas and potential for impact on native snail populations.

Chemical Analysis Laboratory (CAL):

A total of 32 tests were run for 14 samples pertaining to 3 enforcement cases were finished by both GC/MS and LC/MS equipment. Total of 68 tests were run for 5 samples pertaining to 1 batch EPA check samples. Samples were finished by the LC/MS and GC/MS equipment. The LC/MS work of these samples was done on a Thermo orbitrap system in Chemical Terrorism Lab in DOH.

Education/Certification:

Applicator Certification and Training Work plan:

- A total of 16 statewide certification examination sessions were held.
- One hundred seventy-one (171) examinees were tested in Private applicator or Commercial applicator categories.
- Out of these examinees, 45 individuals became newly certified applicators and another 20 individuals were re-certified in their appropriate work profession categories.
- 7 certified applicators collectively earned 46 recertification credits by taking quizzes.
- 5 CET training classes were held and attended by approximately 76 certified applicators. These attendees collectively earned 155 recertification credits.

Worker Protection Safety Program Work Plan:

- No WPS training provided during this period.

Other trainings/technical assistance provided by Pesticide Education staff included topics on: (237 attendees)

- Proper pesticide use, label review, safety, PPE, storage, recordkeeping, heat stress, calculating use rates, drift, spills; pollinator protection, rules and regs.
 - DLNR DOFAW, DLNR NARS, State Parks, Hui O Laka, Kauai Forest Bird Recovery Program, Nature Conservancy, and KRCP. (31)
 - Windward Community College AC-46 (3 students)
 - Mulkern Landscaping (2)
 - HDOA Agricultural Resources Management (ARM) (6)
 - Waimanalo Market Co-Op (2)
 - Hawaii Fumigation & Pest Control (2)
 - American Water Company; Cat 7f Chlorine Gas (1)
 - Hawaii Ant Lab Workshop (20)
 - Hualalai Investors, LLC (3)
- WPS compliance review and violations
 - Kamehameha Schools (19) WPS Handler
 - Green Point Nurseries, Inc. (2)
 - Cal/HI Foliage Growers (1)
- IPM/pesticide safety/soil principles
 - Mililani Uka Elementary School (25)
 - Kauai County Schools (40)
 - Hawaii Pest Control Association (10)
 - Trinity Broadcasting Network (interview)
 - DOE Hawaii Island
- Pollinator Protection during pesticide applications
 - Landscape Industry Council Hawaii tradeshow (31)
 - National Tropical Botanical Garden (25)
- Presentation pesticide labels
 - Jake's farm (1)
 - UH CTAHR (1)
- Dengue Fever Mosquito Control
 - Mt. View Elementary (3)
 - Pahoia High School (3)
- Information on Little Fire Ant
 - Waiakea High School (1)
 - Lawn Artist LLC (1)
 - Hawaii Ant Lab (1)
- Insecticides for pest problems
 - Beetle in schools (1)

- Grubs (1)
- Rhinoceros Beetle (1)

Enforcement Highlights:

Oahu:

- Fourteen complaints were received. Ten of these complaints were urban structural, three were Ag-use, and in one, the applicator denied inspection. Four of the complaints were from the Waialua/Haleiwa area involving two ag-use and two urban structural issues (roadside sprays).
- Two Malathion related urban structural investigations were conducted, as well as an outdoor mothball application. For the applicator who denied our inspection, three to eight mosquito coils are burned when the complainant is at home.
- Three WPS Tier I inspections were conducted. A suspected violation was documented at Mokuleia Farms in that they did not have a records of WPS training for their workers. The workers were interviewed and responded appropriately to WPS related questions.

Maui/Molokai:

- There were two urban-structural complaints that were investigated during this quarter. Both complaints, filed by one individual, involved government highway maintenance personnel spraying along roadsides. One of the complaints involved the application of glyphosate herbicide and the second complaint, an application of glyphosate and triclopyr herbicides. For both complaints, there were suspected violations of failure to wear long-sleeved shirt by the handlers.
- An Ag use pesticide complaint involved a motorist whom believed he was exposed to herbicide drift in the Kuau/Paia area of Maui. The motorist alleged that he detected a strong chemical odor and observed particulates in the air. He also observed a tractor spraying in the cane field in close proximity to the highway. Swab samples were taken of the interior surface of the front windshield. An initial follow-up inspection has been partially completed, pending lab results.
- An Ag use pesticide complaint involved a Paia resident (tenant) living in close proximity to cane fields. The complainant listed a number of dates, four specific dates, claiming that on each date, he either detected an odor or believed that he was affected. On the day that we met to gather his initial statement, a spray application had occurred. Swab samples were taken and will be tested for the pesticides that were applied on the meeting date, however, efforts to meet with the landlord to verify whether similar pesticides were used around the property, have been futile. An initial follow-up inspection has been partially completed.
- On a second meeting with the Paia resident, his initial complaint was distinguished as four separate complaints. In addition, this resident filed yet another pesticide use complaint involving odor from the sugar cane field next to his residence that occurred on this day of this second meeting. Initial follow-up inspections (5) have been partially completed.
- A complaint was generated by a Hawaii Dept. of Agriculture staff of the alleged application of PennCap-M Microencapsulated Insecticide after the EPA cancellation order/stop use date of 12/31/13. The PennCap-M Microencapsulated Insecticide application occurred on a seed corn farm here on Maui on 07/15/14. There is a suspected violation of applying a pesticide after the stop use date. On going investigation.

Kauai:

- A. Kam went to Hilo, Hawaii to assist enforcement inspector C. Gerken with conducting an Ag use and WPS inspection. This export nursery was not compliant with WPS on almost all levels: no WPS training, no posting of pesticides applied by workers, early entry into areas with active REI's without

providing proper PPE, no decontamination sites for areas farther than ¼ mile from decontamination site at main office.

- Responded to Malathion odor complaint in Waimea in October. The Waimea Fire Department Captain also responded to this complaint. In the past this station would say that exposure to odors was not under their jurisdiction.

Hawaii Island:

- Seven complaints were received and investigated. Two complaints were agricultural related and 5 urban complaints.
- A Big Island bee keeper, stated that she had found pink nectar in 4 out of 12 bee hives. Beekeeper was concerned that her ex-land lord/neighbor had applied an herbicide containing a red indicator dye. Samples of honey comb were collected. Beekeeper's ex-land lord/neighbor has not used any red dye for the last year. I spoke with Ms. Daniel Downey, for the Department of Agriculture regarding the pink nectar. Apiary Section Chief Downey was shown the samples and stated that there are naturally occurring nectars that have bright colors and her guess is that some foraging bees found something sweet and red in a small quantity.
- A Kona bee keeper contacted DOA regarding a Colony Collapse Disorder (CCD) or a pesticide kill off of his bees. Bees had been taken to Pahala, Hawaii, to pollinate macadamia nut orchards two weeks earlier. Beekeeper did not show up for a scheduled meeting. Attempts were made to re-schedule a meeting with beekeeper without success. Inspector was later informed by the Apiary section that this beekeeper had sold his bee keeping operation.
- A Kailua-Kona resident filed a complaint about mulch placed on the borders of a park that smelled horrible and wanted it tested for pesticides, herbicides and chemicals. No pesticide odor was detected only a decaying odor. No samples were collected. Complainant was also concerned about the spraying of "carcinogenic Roundup in the park by personnel lacking personal protective equipment." Complainant said that another individual who works adjacent to the beach park wanted to file a complaint that he observed County workers possibly spraying pesticides and or weed killers within the beach park. Contends that workers were lacking a mask or long sleeved shirt. Individual was informed to provide the inspector with the video via email. Calls were made to the individuals and complainant but no responses have received to date.
- Complainant, a Waimea resident stated that while driving on Mamalahoa Hwy in Waimea, she was behind a county truck spraying Roundup for roadside weed control. Due to the wind blowing about 1 mph, she allegedly got a lot of drift onto her car, her eyes were burning and she had a terrible taste in her mouth. She was concerned that no signs were posted for the application. Complainant provided a video of the application that was reviewed with DOA staff, no suspected violations were noted. Complainant did not see a doctor, but she went home and showered. Complainant stated that she has no medical issues. No swab sample taken due to the rain conditions.
- Another Waimea resident, wanted to file a complaint about the same application. Complainant stated that she observed the spray crew spraying in front of Parker School at 7:50 a.m. and was concerned why they would spray in front of a school at that time of the morning. An investigation was conducted with an overseer for the County of Hawaii Highways Division for North and South Kohala. A spot-treatment was made on the side of the schools driveway only. No suspected violations were found. An attestation was made stating the following corrective action: In the future we will spray after school is in session. Due to people following us to observe our spray procedures we will have an escort truck to keep public at a safe distance. Also work zone signs will be posted

alongside roadway while we spray. Signs will be moved after spray has dried. We are in the process of obtaining wind gauges for all trucks.

- A concerned parent filed a complaint regarding spraying by Department of Health personnel. Complainant was concerned because daughter's kindergarten class harvested Ti leaves for making laulau 3 days after being sprayed to control mosquitos and Dengue Fever. The 3rd grade class also picked ti leaves to make gifts for Thanksgiving.

The schools' principal said that one class was on campus on the day of application despite an email to all teachers informing them of the scheduled application. The schools' principal stated that the ti leaves were washed prior to being used and that no reports of anyone getting sick from eating the laulau was reported or students calling in sick after the application.

The complainant was informed that DOA contacted DOE Auxiliary Services and they were working on a notification protocol for all schools to follow for Dengue treatments. No formal complaint filed as the complaint was satisfied after speaking with Dr. Barbara Brooks (State Toxicologist) and learning what DOA and DOE are doing.

- A Keaau resident believes that his neighbor is using chemical agents to kill off vegetation and Ohia trees in his and other adjoining house lots. No observable evidence of herbicide applications made on complainant's lot, however dead/dying Ohia trees were observed. Complainant's neighbor informed the inspector of numerous non-pesticide issues with the complainant since they moved in. Complainant was provide with a brochure on Rapid Ohia Death that is occurring on Big Island.
- A Kapoho resident file a complaint against his next door neighbor stated that they have been in court in the past regarding herbicide applications. Complainant stated that he has observed his neighbor on his property at night poisoning his palm plants. Complainant stated that he has 15 trail cameras and infrared cameras on his property but has been unable to catch this neighbor on camera. Complainant asked the inspector to look at old dying leaves on palms in his 5 acre nursery. Assessments made that plants lacked nitrogen, and there was a natural dye-off of old leaves as the growing apex of all palms were healthy. Complainant stated that he has never fertilized his palm plants and informed the inspector not to contact the neighbor.